

1 Law Offices of Steven C. Hathaway  
2 3811 Consolidation Avenue  
3 Bellingham, WA 98229  
4 T. (360) 676-0529  
5 F. (360) 676-0067

Honorable Marc Barreca  
Chapter 7

5  
6 UNITED STATES BANKRUPTCY COURT  
7 FOR THE WESTERN DISTRICT OF WASHINGTON

8 IN RE: ) Chapter 7 Proceeding  
9 JOHN FELIX CASTLEMAN, SR. ) BK Internal Appeal No. 21-S006  
10 KIMBERLY KAY CASTLEMAN, ) District Court Case No. 21-cv-00829-RSL  
11 *Debtors.* )  
12 ) Bankruptcy Case No. 19-12233- MLB  
13 )  
14 ) APPELLANT'S DESIGNATION  
15 ) OF RECORD AND STATEMENT  
16 ) OF ISSUES ON APPEAL FROM  
17 ) BANKRUPTCY COURT  
18 \_\_\_\_\_)

19 DESIGNATION OF RECORD

20 DOC DATE DESCRIPTION OF DOCUMENT  
21 1 06/13/2019 Chapter 13 Voluntary Petition.  
22 10 06/19/2019 Balance of Schedules.  
23 30 09/24/2019 Amended Chapter 13 Plan.  
24 32 09/25/2019 Order Confirming Chapter 13 Plan.  
25 35 01/13/2020 Chapter 13 Trustee's Report of Filed Claims.  
26 44 12/14/2020 Motion for Relief from Stay, 5857 Everson Goshen Rd, Bellingham, WA.  
27 45 12/14/2020 Declaration in Support of Motion for Relief from Stay.  
28 46 01/06/2021 Debtors Response to Motion for Relief from Stay.  
47 01/12/2021 Debtor's Motion to Convert Case from Chapter 13 to 7.  
49 01/14/2021 Stipulated ORDER for Relief from Stay Effective April 10, 2021.  
53 02/05/2021 ORDER Converting Chapter 13 Case to Chapter 7.

APPELLANT'S DESIGNATION OF RECORD  
AND STATEMENT OF ISSUES ON APPEAL  
FROM BANKRUPTCY COURT

LAW OFFICES OF STEVEN C. HATHAWAY  
3811 CONSOLIDATION AVENUE  
BELLINGHAM, WA 98229  
PHONE(360) 676-0529  
FAX (360) 676-0067

<u>DOC</u>	<u>DATE</u>	<u>DESCRIPTION OF DOCUMENT</u>
61	02/22/2021	Chapter 13 Trustee's Final Report and Account.
62	02/22/2021	Post Conversion Schedules/Declaration of No Change.
72	04/20/2021	Motion for authority to value property under Section 348 (f)(1)(B).
75	05/05/2021	Debtors Response to Trustee's Motion under Section 348 (f)(1)(B).
78	05/07/2021	Reply of Trustee in Support of Section 348 (f)(1)(B) Motion.
80	05/13/2021	Discharge of Debtor.
82	06/04/2021	Memorandum Decision.
86	06/11/2021	Order on Trustee's Motion.
90	06/21/2021	Notice of Appeal and Statement of Election to District Court.
93	06/23/2021	Stipulation for Stay of Order through Completion of Appellate Process.

STATEMENT OF ISSUES

1. Does the Debtors home, which vested in them at plan confirmation, become property of the chapter 7 estate upon conversion?
2. Does property of the estate, as of the petition date, include post-petition appreciation in the Debtors home?
3. Is the present value of the Debtors home, including any appreciation between the petition date and the date of conversion, property of the chapter 7 bankruptcy estate?

Date: 06/30/2021

/s/ Steven Hathaway

Steven Hathaway, WSBA #24971  
Attorney for Appellant

APPELLANT'S DESIGNATION OF RECORD  
AND STATEMENT OF ISSUES ON APPEAL  
FROM BANKRUPTCY COURT

LAW OFFICES OF STEVEN C. HATHAWAY  
3811 CONSOLIDATION AVENUE  
BELLINGHAM, WA 98229  
PHONE(360) 676-0529  
FAX (360) 676-0067

1  
2                   **DECLARATION OF MAILING**  
3

4 THE UNDERSIGNED CERTIFIES UNDER PENALTY OF PERJURY THAT ON 06/30/2021  
5  
6 THE UNDERSIGNED CAUSED TO BE DELIVERED EITHER BY FIRST CLASS MAIL,  
7 LEGAL MESSENGER OR ELECTRONICALLY A COPY OF APPELLANT'S  
8 DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL TO COUNSEL  
9 FOR THE CHAPTER 7 TRUSTEE.

10  
11       *Date: 06/30/2021*

12                   */s/ Steven Hathaway*  
13                   Steven Hathaway, WSBA #24971  
14                   Attorney for Appellant

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
APPELLANT'S DESIGNATION OF RECORD  
AND STATEMENT OF ISSUES ON APPEAL  
FROM BANKRUPTCY COURT

LAW OFFICES OF STEVEN C. HATHAWAY  
3811 CONSOLIDATION AVENUE  
BELLINGHAM, WA 98229  
PHONE(360) 676-0529  
FAX (360) 676-0067